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IN THE UNITED STATES OF AMERICA  
PATENT AND TRADEMARK OFFICE

Applicant: Peter W. Fajkowski

Attorney Doc. #: 18121/100233-07

Serial No.: 09/297,532

Examiner: Daniel St. Cyr

Filed: June 28, 1999

Art Unit: 2876

For: Method and Apparatus for Coupon Management and Redemption

**Mail Stop AMENDMENT**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

In the Office Action dated 08/23/04, the Examiner rejected claim 55 as not being enabled and claims 54 and 55 as obvious over U.S. Patent 5,424,524 to Ruppert in view of U.S. Patent 5,420,606 to Begum. For the reasons which follow, applicant respectfully suggests that the rejections are clearly improper and should be withdrawn.

**I. Lack of Enablement of Claim 55.**

The Examiner believed that claim 55's limitation of a "pager frequency" was not described sufficiently in the specification to enable one skilled in the art to make or use the claimed invention. However, applicant submits that the rejection is clearly contrary to MPEP §2164.01 which sets forth the test for enablement. That section provides in part:

The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation. A patent need not teach, and preferably omits, what is well known in the art.

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SUPPLEMENTAL RESPONSE TO OFFICE ACTION

In accordance with the telephone interview between the Examiner and the undersigned on January 12, 2005, applicant is submitting the below supplemental amendments to his 10/25/04 Response in order to address the issues raised by the Examiner in the telephone interview. As suggested by the Examiner, applicant is submitting a terminal disclaimer to overcome any prospective double patenting rejections based upon US Patent No. 6,229,621. Applicant greatly appreciates the Examiner's courtesy in conducting the interview and agreeing to consider these present amendments.

## REMARKS

As applicant understands the Examiner's rejections, the Examiner believed that claim 55 previously of record was not distinguishable over the Ruppert patent because the Examiner considered every device in the Ruppert system to be a "specific device" having a specific serial number or code. Thus, the Examiner believed that Ruppert's actions of broadcasting the same data to all devices in the Ruppert system disclosed the steps of claim 54 (except for broadcasting at a radio frequency).

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Filing Date: April 30, 1999

Applicant is amending claim 55 to address this basis for the rejection. Claim 55 now recites a plurality of customers in a pager based service where each customer has a pager based storage device and the storage devices have a pager means for allowing each storage device to receive a signal which is not receivable by other storage devices within the pager service. Claim 54 also recites the step of broadcasting signals carrying predetermined coupon data which (the signals) are modified to be receivable by the pager means on each storage device such that each storage device receives coupon data predetermined for that particular storage device, but not coupon data predetermined for other storage devices in the service.

Applicant submits that these steps clearly distinguish the claimed invention from those aspects of Ruppert mentioned by the Examiner in the 01/12/05 telephone interview. It is abundantly clear that Ruppert is broadcasting the same data to each storage device and nothing in Ruppert remotely suggests the concept of Ruppert's storage devices having a means to receive individualized data which is not receivable by other storage devices in Ruppert's system. Claim 54 as amended should clearly distinguish over Ruppert whether taken alone or in combination with the Begum reference.

Applicant further submits that the specification clearly recites structure corresponding to the claimed "pager means." For example, page 43, lines 4-16 discusses how the pager will include a radio frequency receiver tuned to one or two frequencies. Clearly the purpose of this tuning in the present invention (and in all conventional pager systems) is to allow each storage device to receive data predetermined for it, but not data predetermined for other storage devices within the paging system. There is no reason a person of ordinary skill in the art would have any difficulty in understanding and practicing the method recited in claim 54.

Based upon communications subsequent to the 10/12/05 interview, applicant understands that the above amendments and the terminal disclaimer place the application in a condition for allowance. Applicant requests that the Examiner telephone the undersigned if there are any outstanding issues preventing allowance of this application.

The Commissioner of Patents is authorized to charge deposit account number 501896 for the \$65.00 terminal disclaimer fee.

Respectfully Submitted:

Date: 21 JAN 05

  
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CERTIFICATE OF FACSIMILE	
I hereby certify that this document is being facsimile transmitted to the Commissioner of Patents and Trademarks, 571-273-2407, on the date shown below.	
 DATE: January <u>21</u> , 2005	